

ORDINANCE

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Section 23.41.012, 23.47.012, 23.48.010, 23.50.020, 23.50.026, 23.50.028, 23.54.015, 23.54.035, 23.84.032 and 23.86.006 to address the unique needs or features of biotech uses in South Lake Union.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.41.012 Development standard departures.

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of the design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code standards would result in a development which better meets the intent of the adopted design guidelines.

B. Departures may be granted from the following requirements:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;
4. SCM zone facade requirements, including transparency and blank facade provisions;
5. Design, location on the lot and access to parking requirements;
6. Open space or common recreation area requirements;
7. Lot coverage limits;

1 8. Rooftop coverage limits that apply within the South Lake Union Urban

2 Village;

3 9. ~~((8-))~~ Screening and landscaping requirements;

4 10. ~~((9-))~~ Standards for the location and design of nonresidential uses in mixed
5 use buildings;

6 11. ~~((40-))~~ Within Urban Centers, in L3 zones only, the pitched roof of a
7 structure, as provided in Section 23.45.009 C, may incorporate additional height of up to twenty
8 (20) percent of the maximum height permitted, as provided in Section 23.45.009 A, subject to
9 the following limitations:
10

11 a. A pitched roof may not incorporate the additional height if the structure
12 is on a lot abutting or across a street or alley from a single-family residential zone,

13 b. The proposed structure must be compatible with the general
14 development potential anticipated within the zone,

15 c. The additional height must not substantially interfere with views from
16 up-slope properties, and
17

18 d. No more than one (1) project on one (1) site within each Urban
19 Center may incorporate additional height in the pitched roofs of its structures pursuant to this
20 subsection unless development regulations enacted pursuant to a neighborhood planning process
21 allow other projects to incorporate such additional height;
22

23 12. ~~((44-))~~ Building height within the Roosevelt Commercial Core (up to an
24 additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt
25 Commercial Core);
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1 13. (~~(12.)~~) Building height within the Ballard Municipal Center master plan area,
2 for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan
3 Area). The additional height may not exceed nine (9) feet, and may be granted only for
4 townhouses that front a mid-block pedestrian connection or a park identified in the Ballard
5 Municipal Center Master Plan;
6

7 14. (~~(13.)~~) Reduction in required parking for ground level retail uses that abut
8 established mid-block pedestrian connections through private property as identified in the
9 "Ballard Municipal Center Master Plan Design Guidelines, 2000." The parking requirement must
10 be no less than the required parking for Pedestrian 1 designated
11 areas shown in Section 23.47.044 Chart E;
12

13 15. (~~(14.)~~) Downtown or Stadium Transition Overlay District street façade
14 requirements;
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16 16. (~~(15.)~~) Downtown upper-level development standards;
17

18 17. (~~(16.)~~) Downtown coverage and floor size limits;
19

20 18. (~~(17.)~~) Downtown maximum wall dimensions;
21

22 19. (~~(18.)~~) Downtown street level use requirements;
23

24 20. (~~(19.)~~) Combined coverage of all rooftop features in downtown zones subject
25 to the limitations in Section 23.49.008 C2; and
26

27 21. (~~(20.)~~) Certain conditions to allowance of additional height in DOC 1 and
28 DOC 2 zones pursuant to subsection 23.49.008 A 2, as follows:

 a. Limits on gross floor area of stories under subsection 23.49.008
A2a(2); and

b. Percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008 A2b(1).

22. ((21-)) Building height in Lowrise zones, and parking standards of Section 23.54.015 in Midrise and Commercial zones, in order to protect existing trees as provided in Chapter 25.11;

23. ((22-)) Downtown view corridor and Downtown Green Street requirements to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor or Green Street setback, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code; and

24. ((23-)) Minor communication utility height limits in downtown zones set forth in SMC Section 23.57.013 B, and telecommunication facilities development standards set forth in Section 23.57.016.

Section 2. Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121051, is amended as follows:

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32(~~(-In addition)~~), except that:

1. Within the South Lake Union Urban Village, the maximum structure height in commercial zones with sixty-five (65) foot and eighty-five (85) foot height limits may be

increased to eighty-five (85) feet and one-hundred and five (105) feet, respectively, provided that:

a. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet, and

b. the additional height permitted does not allow more than six (6) floors in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in commercial zones with an eighty-five (85) foot height limit.

2. ((M)) Mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone according to the provisions of Section 23.47.008.

B. Floor Area Ratios. Structures sixty-five (65) feet in height or less shall not be subject to floor area ratio provisions. Mixed use structures shall meet the standards for mixed use development, as described in Section 23.47.008.

1. Floor area ratios (FARs) shall apply to structures in zones with eighty-five (85) foot, one hundred twenty-five (125) foot and one hundred sixty (160) foot maximum height limits according to Chart C, except as provided by subsection B.2 of this section.

CHART C

PERMITTED FLOOR AREA RATIO (FAR)

Structures Higher than 65 Feet	Height Limit Zones		
	85'	125'	160'
Mixed-use structure total	6	6	7
Any single use within a mixed-use structure	4.5	5	5
Single-purpose structure	4.5	5	5

2. The following FAR provisions apply to lots zoned NC3 with a one hundred and sixty (160) foot height limit and located within the First Hill Urban Village:

- a. Residential floor area is exempt from FAR limits; and
- b. The maximum FAR for nonresidential uses within mixed use structures is seven (7); and
- c. The maximum FAR for nonresidential structures is five (5); except that the FAR may be increased to seven (7) when a structure's street front at street level is occupied by retail sales and service uses and meets the development standards for nonresidential uses as provided in subsections 23.47.008 B and C.

C. Additional Height Permitted. Within the area bounded by Valley and Mercer Streets and Westlake and Fairview Avenues North, maximum structure height may be increased from

forty (40) feet to sixty-five (65) feet as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In order to grant the special exception, the Director must find that all of the following criteria are met:

1. The lot is not located within the shoreline district. However, if a lot is located partially within the shoreline district, those portions of that lot which are not in the shoreline district may be eligible for the special exception.

2. In order to reduce potential height, bulk and scale and view impacts, enhance pedestrian connections across Valley and Mercer Streets, and provide greater opportunities for public open space, the following development standards must apply:

a. A minimum of twenty (20) percent of the total development area must be provided as useable open space at street level. The useable open space must be directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

b. If the Director determines that greater public benefit will result, a portion of the required useable open space may be located above street level, provided the following criteria are met:

(1) A minimum of twenty-five (25) percent of the total development area is provided as useable open space.

(2) The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

1 (3) The useable open space enhances visual and physical
2 pedestrian connection(s) between South Lake Union Park and the development area.

3 (4) The required useable open space is provided at heights less
4 than forty (40) feet, measured from existing or finished grade, whichever is lower.

5 c. If the Director determines that greater public benefit will result, a
6 portion of the required useable open space may be located below street level, provided the
7 criteria listed in this subsection are met. When useable open space is provided below street level,
8 the height of facades that abut the useable open space shall be measured from existing grade.

9
10 (1) A minimum of twenty-five (25) percent of the total
11 development area is provided as useable open space.

12
13 (2) The useable open space is directly accessible to the public
14 during the hours of operation of South Lake Union Park, and no occupied portion of the structure
15 may extend into the required useable open space.

16 (3) The useable open space enhances the pedestrian connection(s)
17 between South Lake Union Park and the development area.

18
19 (4) The useable open space provides visual and physical
20 connections from street level to the useable open space. Required useable open space allows for
21 ease of access to pedestrians from street level and may include streetscape elements such as
22 semitransparent fencing and low-level vegetation.

23
24 (5) The design and siting of the required useable open space
25 provides adequate light and air exposure and encourages lively pedestrian activity.

1 d. All portions of a structure that exceed forty (40) feet in height are
2 limited to a maximum lot coverage of sixty-four (64) percent. In addition, portions of a structure
3 above forty (40) feet in height must be located at least fifteen (15) feet from the street property
4 line along Valley Street and Westlake, Terry, Boren, and Fairview Avenues North.

5 e. Departures from development standards may be granted pursuant to
6 Chapter 23.41, Part I, Design Review, except for open space quantity or upper level lot coverage
7 requirements in this section.
8

9 3. In buildings constructed under permits applied for after the effective date of
10 this ordinance, all uses at street level, except for parking, must have a minimum floor to floor
11 height of thirteen (13) feet. Along Terry Avenue North between Valley and Mercer Streets and
12 along Valley Street between Westlake and Boren Avenues North, the following standards apply:
13

14 a. A minimum of eighty (80) percent of a structure's street front facade at
15 street level must be occupied by uses other than parking. For purposes of calculating the eighty
16 (80) percent, twenty-two (22) feet for the width of a driveway to access parking may be
17 subtracted from the length of the street front facade if the Director determines that access to
18 parking from Valley Street or Terry Avenue North is the best opportunity to avoid traffic
19 problems or pedestrian conflicts.
20

21 b. A minimum depth of thirty (30) feet from the street front façade of the
22 structure must be occupied by uses other than parking. The minimum required depth may be
23 averaged, with no depth less than fifteen (15) feet.
24

25 c. If the street front facade and depth requirements result in a space
26 greater than fifty (50) percent of the structure's footprint, the Director may modify the street front
27
28

facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint.

D. Exemptions from FAR Calculations. The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking.
3. Within the South Lake Union Urban Village, gross floor area occupied by mechanical equipment, up to a maximum of fifteen (15) percent, is exempt from FAR calculations. The allowance is calculated on the gross floor of the area after all exempt space permitted under this subsection is deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

E. Split Zoned Lots. When a lot is subject to more than one (1) height and FAR limit, the height and FAR limits for each zone shall apply to the portion of the lot located in that zone.

F. Sloped Lots. On sloped lots, additional height shall be permitted along the lower elevation of the structure footprint, at the rate of one (1) foot for each six (6) percent of slope, to a maximum additional height of five (5) feet (Exhibit 23.47.012 A).

G. Pitched Roofs. The ridge of pitched roofs may extend up to five (5) feet above the maximum height limit in zones with height limits of thirty (30) or forty (40) feet. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

H. Rooftop Features.

1 1. Smokestacks; chimneys; flagpoles; and religious symbols for religious
2 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport
3 Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot
4 line.

5 2. Open railings, planters, skylights, clerestories, greenhouses, parapets and
6 firewalls may extend no higher than the ridge of a pitched roof as permitted by Section
7 23.47.012F or up to four (4) feet above the maximum height limit with unlimited rooftop
8 coverage.
9

10 3. Solar Collectors.

11 a. In zones with height limits of thirty (30) or forty (40) feet, solar
12 collectors may extend up to four (4) feet above the maximum height limit, with unlimited
13 rooftop coverage.
14

15 b. In zones with height limits of sixty-five (65) feet or more, solar
16 collectors may extend up to seven (7) feet above the maximum height limit, with unlimited
17 rooftop coverage.
18

19 4. The following rooftop features may extend up to fifteen (15) feet above the
20 maximum height limit, so long as the combined total coverage of all features listed in this
21 subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the
22 roof area if the total includes stair or elevator penthouses or screened mechanical equipment:
23

24 a. Solar collectors;

25 b. Stair and elevator penthouses;

26 c. Mechanical equipment;
27
28

d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge; and

e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. Within the South Lake Union Urban Village, at the applicant's option, the combined total coverage of all features listed in subsection H4 may be increased to sixty-percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened, and

b. No rooftop features are located closer than ten (10) feet to the roof edge.

6. ((5-)) In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

7. ~~((6-))~~ Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

8. ~~((7-))~~ For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

Section 3. Section 23.48.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.48.010 General structure height.

A. Maximum Height. Maximum structure height shall be fifty-five (55) feet, seventy-five (75) feet or one hundred twenty-five (125) feet as designated on the Official Land Use Map, Chapter 23.32~~((:))~~ , except as provided in subsection B below.

B. Within the South Lake Union Urban Village, the maximum structure height may be increased from seventy-five (75) feet to eighty-five (85) feet, provided that:

1. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet;

2. the additional height permitted does not allow more than seven (7) floors; and

3. the height limit provisions of 23.48.016 A1, Standards applicable to specific areas, are satisfied.

C. ~~((B-))~~ Pitched Roofs. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend ten (10) feet above the height limit. The ridge of pitched roofs with a

minimum slope of four to twelve (4:12) may extend five (5) feet above the height limit (Exhibit 23.48.010 A). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

D. ~~((C:))~~ Rooftop Features.

1. Smokestacks; chimneys; flagpoles; and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection D4 does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment;
- d. Atriums, greenhouses, and solariums;

e. Play equipment and open-mesh fencing which encloses it, as long as the fencing is at least fifteen (15) feet from the roof edge; and

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. Within the South Lake Union Urban Village, at the applicant's option, the combined total coverage of all features listed in subsection D4 above may be increased to sixty-percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than ten (10) feet to the roof edge.

6. ((5.)) In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D5 at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

7. ~~((6.))~~ Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

8. ~~((7.))~~ For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

Section 4. Section 23.50.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.50.020 All Industrial zones -- Structure height exceptions and additional restrictions.

A. Rooftop Features. Where height limits are otherwise applicable to a structure, and except as provided in subsections C4, D4, E4 and F3 of Section 23.50.024, the following condition shall apply to rooftop features:

1. Smokestacks; chimneys and flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, as long as the combined total coverage of all features listed in this subsection does

not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment; and
- d. Minor communication utilities and accessory communication devices, except

that height is regulated according to the provisions of Section 23.57.015.

5. Within the South Lake Union Urban Village, at the applicant's option, the combined total coverage of all features listed in subsection A4 above may be increased to sixty-percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than ten (10) feet to the roof edge.

Section 5. Section 23.50.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 120609, is amended as follows:

23.50.026 Structure height in IC zones.

A. Except for the provisions of Section 23.50.020, and except as may be otherwise provided in this title for any overlay district, the maximum structure height for all uses shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet, eighty-five (85) feet or one hundred twenty-five (125) feet, as designated on the Official Land Use Map, Chapter 23.32. Only areas in the Stadium Transition Area Overlay District abutting the PSM 85/120 zone may be designated for a height limit of one hundred twenty-five (125) feet.

1 B. Water-dependent uses within the Shoreline District shall only be subject to the height
2 limits of the applicable shoreline environment, Chapter 23.60.

3 C. Within the area shown on Exhibit 23.50.026 A, areas zoned IC/45 shall be subject to
4 the following height regulations (See Exhibit 23.50.026 A):

5 1. A forty-five (45) foot structure height is permitted only when a structure
6 contains at least one (1) story at least fifteen (15) feet in height.
7

8 2. Except as provided in subsection 3c below, structures with no story at least
9 fifteen (15) feet in height shall be limited to a maximum height of forty (40) feet.

10 3. A sixty-five (65) foot structure height is permitted as a special exception
11 provided that:

12 a. Provision is made for view corridors(s) looking from Elliott
13 Avenue towards Puget Sound;
14

15 (1) The location of the view corridor(s) shall be determined by the
16 Director upon consideration of such factors as existing view corridors, the location of street
17 rights-of-way, and the configuration of the lot,
18

19 (2) The view corridor(s) shall have a width not less than thirty-
20 five (35) percent of the width of the lot,

21 (3) The minimum width of each required view corridor shall be
22 thirty (30) feet measured at Elliott Avenue West,
23

24 (4) Measurement, modification or waiver of the view corridor(s)
25 shall be according to the Seattle Shoreline Master Program measurement regulations, Chapter
26
27
28

23.60. Where a waiver under these provisions is granted, the sixty-five (65) foot structure height shall still be permitted,

(5) Parking for motor vehicles shall not be located in the view corridor unless the area of the lot where the parking would be located is four (4) or more feet below the level of Elliott Avenue West;

b. Development shall be located so as to maximize opportunities for views of Puget Sound for residents and the general public; and

c. The structure contains at least two (2) stories at least fifteen (15) feet in height; with the exception that no story in an accessory parking structure is required to be at least fifteen (15) feet in height.

D. Within the South Lake Union Urban Village, the maximum structure height in IC zones with sixty-five (65) foot and eighty-five (85) foot height limits may be increased to eighty-five (85) feet and one-hundred and five (105) feet, respectively, provided that:

1. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

2. the additional height permitted does not allow more than six (6) floors in IC zones with a sixty-five (65) foot height limit, or more than seven (7) floors in IC zones with an eighty-five (85) foot height limit.

Section 6. Section 23.50.028 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is amended as follows:

23.50.028 Floor area ratio.

1 The floor area ratio (FAR), as provided below, shall determine the gross square footage
2 permitted.

3 A. General Industrial 1, Floor Area Ratio. The total maximum FAR shall be two and
4 one-half (2.5).

5 B. General Industrial 2 and Industrial Buffer, Floor Area Ratio. The maximum FAR for
6 all General Industrial 2 (IG2) and Industrial Buffer (IB) uses shall be two and one-half (2.5).
7

8 C. Industrial Commercial, Floor Area Ratio. Except for the area shown in Exhibit
9 23.50.028 A, the maximum FAR for all Industrial Commercial (IC) uses shall be two and one-
10 half (2.5). (See Exhibit 23.50.028 A.)

11 D. Industrial Commercial/South Lake Union, Floor Area Ratio. Within the area shown
12 on Exhibit 23.50.028 A, and described as the South Lake Union Planning Area, the FAR shall be
13 as follows:
14

15 1. In areas with a thirty (30) foot or forty-five (45) foot height limit, the FAR
16 shall be two and one-half (2.5); and
17

18 2. In areas with a sixty-five (65) foot or eighty-five (85) foot height limit, the
19 FAR shall be three (3).

20 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall
21 be exempt from FAR calculations:

- 22 1. All gross floor area below grade;
23 2. All gross floor area used for accessory parking;
24 3. All gross floor area used for mechanical equipment, stair and elevator
25 penthouses and communication equipment and antennas located on the rooftop of structures;
26
27
28

4. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012 D.

5. All gross floor area occupied by mechanical equipment in the South Lake Union Urban Village, up to a maximum of fifteen (15) percent of the gross floor area of a structure, shall be exempt from FAR calculations. The allowance is calculated on the gross floor area after all exempt space permitted under this subsection has been deducted. Mechanical equipment located on the roof of a structure is not calculated as part of the total gross floor area of a structure.

Section 7. Chart A of Section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120953, is amended as follows:

**Chart A for Section 23.54.015
PARKING**

Use	Parking Requirements
Adult care center ¹	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
Adult family home	1 space for each dwelling unit
Adult motion picture theater	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Adult panoram	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Airport, land-based (waiting area)	1 space for each 100 square feet

1	Airport, water-based (waiting area)	1 space for each 100 square feet
2	Animal services	1 space for each 350 square feet
3	Animal husbandry (retail area only)	1 space for each 350 square feet
4	Aquaculture (retail area only)	1 space for each 350 square feet
5	Artist's studio/dwelling	1 space for each dwelling unit
6	Assisted living facility ²	1 space for each 4 assisted living units plus 1
7		space for each 2 staff members on-site at peak
8		staffing time; plus 1 barrier-free passenger
9		loading and unloading space; plus loading berth
10	Automotive parts or accessory sales	requirements per Section 23.54.035
11	Ball courts	1 space for each 350 square feet
12	Bed and breakfast	1 space per court
13		1 space for each dwelling, plus 1 space for each
14	Bowling alley	2 guest rooms or suites
15	Business support services	5 spaces for each lane
16	Business incubators	1 space for each 2,000 square feet
17	Carwash	1 space for each 1,000 square feet
18	Caretaker's quarters	1 space for each 2,000 square feet
19	Cargo terminal	1 space for each dwelling unit
20	Cemetery	1 space for each 2,000 square feet
21	Child care center ^{1,9}	None
22		1 space for each 10 children or 1 space for each
23		staff member, whichever is greater; plus
24		1 loading and unloading space for each 20
25	Colleges	children
26		A number of spaces equal 15 percent of the
27		maximum number of students present at peak
28		hour; plus

		30 percent of the number of employees present at peak hour; plus
		1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
	Commercial laundries	1 space for each 2,000 square feet
	Commercial moorage	1 space for each 140 lineal feet of moorage
	Communication utilities	1 space for each 2,000 square feet
	Community centers ^{1,2} and Community clubs ^{1,2}	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
	Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) ^{1,2,3}	1 space for each 555 square feet
	Congregate residences	1 space for each 4 residents
	Construction services	1 space for each 2,000 square feet.
	Custom and craft work	1 space for each 1,000 square feet
	Dance halls (dance floor and table area)	1 space for each 100 square feet
	Drinking establishment	1 space for each 200 square feet
	Dry storage of boats	1 space for each 2,000 square feet
	Family support centers located in community centers owned and operated by the Seattle DOPAR ³	1 space for each 100 square feet
	Floating homes	1 space for each dwelling unit
	Food processing for human	1 space for each 1,000 square feet

consumption

Gas station 1 space for each 2,000 square feet

General retail sales and services 1 space for each 350 square feet

Ground-floor businesses in multifamily zones None, maximum of 10 spaces

Heavy commercial services 1 space for each 2,000 square feet

Heliports (waiting area) 1 space for each 100 square feet

High-impact uses 1 space for each 1,500 square feet or as determined by the Director

Horticultural uses (retail area only) 1 space for each 350 square feet

Hospitals¹ 1 space for each 2 staff doctors; plus 1 additional space for each 5 employees; plus 1 space for each 6 beds

Hotels 1 space for each 4 sleeping rooms or suites

Institute for advanced study¹ 1 space for each 1,000 square feet of administrative offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats

Institutes for advanced study in single-family zones (existing) 3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of actual conference rooms to be constructed, whichever is greater

Kennel 1 space for each 2,000 square feet

Lecture and meeting hall 1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats

Library ¹⁰	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms
Major durables, sales, service, and rental	1 space for each 2,000 square feet
Manufacturing, general	1 space for each 1,500 square feet
Manufacturing, heavy	1 space for each 1,500 square feet
Manufacturing, light	1 space for each 1,500 square feet
Marine service station	1 space for each 2,000 square feet
Medical services	1 space for each 350 square feet
Miniature golf	1 space for each 2 holes
Mini-warehouse	1 space for each 30 storage units
Mobile home park	1 space for each mobile home
Mortuary services	1 space for each 350 square feet
Motels	1 space for each sleeping room or suite
Motion picture studio	1 space for each 1,500 square feet
Motion picture theater	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Multifamily uses, ⁴ except as otherwise provided below ¹³	Development sites containing 2—10 dwelling units: 1.1 spaces for each dwelling unit Development sites containing 11—30 dwelling units: 1.15 spaces for each dwelling unit Development sites containing 31—60 dwelling units: 1.2 spaces for each dwelling unit Development sites containing more than 60

dwelling units:

1.25 spaces for each dwelling unit

In addition, for all multifamily uses whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and

When at least 50 percent of the dwelling units in a multifamily use have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms shall be required; and

Any multifamily use that contains a dwelling unit with 4 or more bedrooms shall be required to provide an additional .25 spaces per bedroom for each unit with 4 or more bedrooms⁵

Multifamily uses containing dwelling units with 2 or more bedrooms, when within the area impacted by the University of Washington as shown on Map A following this section, unless another provision below allows fewer parking spaces

1.5 spaces per unit with 2 or more bedrooms. The requirement for units with 3 or more bedrooms contained above shall also apply. All other requirements for units with fewer than 2 bedrooms shall be as contained above⁵

Multifamily uses, when within the Alki area as shown on Map B following this section, unless another provision below allows fewer parking spaces

1.5 spaces for each dwelling unit

Multifamily uses, for development sites that contain a total of 10 or fewer dwelling units, all in ground-related structures

1 space for each dwelling unit

Multifamily uses, when located in Center City neighborhoods¹², for each dwelling unit rented to and

0.33 space for each dwelling unit with 2 or fewer bedrooms, and 0.5 space for each dwelling unit with 3 or more bedrooms

occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by the United States Department of Housing and Urban Development (HUD)¹⁴, for the life of the building

Multifamily uses, when located in Center City neighborhoods¹², for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD¹⁴, for the life of the building

Multifamily uses, when located outside of Center City neighborhoods¹², for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD¹⁴, for the life of the building

Multifamily uses, when located outside of Center City neighborhoods¹², for each dwelling unit with 2 or fewer bedrooms rented to and occupied by a household with an income at time of

0.5 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms

0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms

0.75 spaces for each dwelling unit

its initial occupancy of between 30 and 50 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD¹⁴, for the life of the building

Multifamily uses occupied by low-income elderly households 1 space for each 6 dwelling units

Multifamily uses occupied by low-income disabled households 1 space for each 4 dwelling units

Multifamily uses occupied by low-income elderly/low-income disabled households 1 space for each 5 dwelling units

Multifamily uses, when within the Seattle Cascade Mixed zone or the Pike/Pine Overlay District 1 space for each dwelling unit

Multifamily uses, when within the Pike/Pine Overlay District, for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 60 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD, at rent not exceeding 30 percent of 60 percent of median family income, adjusted for household size, for the life of the building 1 space for every 2 dwelling units

Multipurpose convenience store 1 space for each 350 square feet

Museum¹ 1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; or 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for

		each 250 square feet of other gross floor area open to the public
Nonhousehold sales and services, except sales, service and rental of office equipment	1 space for each 2,000 square feet	
Nursing homes ⁶	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds	
Office, administrative	1 space for each 1,000 square feet	
Office, customer service	1 space for each 350 square feet	
Outdoor storage	1 space for each 2,000 square feet	
Parks	None	
Participant sports and recreation, indoor_or outdoor, unless otherwise specified	1 space for each 350 square feet	
Passenger terminals (waiting area)	1 space for each 100 square feet	
Performing arts theater	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats	
Personal transportation services	1 space for each 2,000 square feet	
Playgrounds	None	
Power plants	1 space for each 2,000 square feet	
Private club ¹	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts	
Railroad rights-of-way	None	

1	Railroad switchyard with or without mechanized hump	1 space for each 2,000 square feet
2	Recreational marinas	1 space for each 75 lineal feet of moorage
3	Recycling center	1 space for each 2,000 square feet
4	Recycling collection station	None
5	Religious facility ¹	1 space for each 80 square feet of all auditoria and public assembly rooms
6	Research and development laboratory	1 space for each 1,000 square feet
7	<u>Research and development laboratory located within the South Lake Union Urban Village</u>	<u>1 space for each 1,500 square feet</u>
8	Restaurant	1 space for each 200 square feet
9	Sale and rental of large boats	1 space for each 2,000 square feet
10	Sale and rental of motorized vehicles	1 space for each 2,000 square feet
11	Sale of boat parts and accessories	1 space for each 350 square feet
12	Sale of heating fuel	1 space for each 2,000 square feet
13	Sales, service and rental of commercial equipment	1 space for each 2,000 square feet
14	Sales, service and rental of office equipment	1 space for each 350 square feet
15	Salvage yard	1 space for each 2,000 square feet
16	School, private elementary and secondary ^{1,2}	1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member
17	School, public elementary and secondary ^{1,2,7}	1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms, containing fixed seats, for new public

		schools on a new or existing public school site
1		
2	Sewage treatment plant	1 space for each 2,000 square feet
3	Single-family dwelling units	1 space for each dwelling unit
4	Skating rink (rink area)	1 space for each 100 square feet
5	Solid waste transfer station	1 space for each 2,000 square feet
6	Specialty food stores	1 space for each 350 square feet
7	Spectator sports facility ¹¹	1 space for each 10 fixed seats or 1 space for
8		each 100 square feet of spectator assembly area
9		not containing fixed seats
10	Sport range	1 space for each 2 stations
11	Swimming pool (water area)	1 space for each 150 square feet
12	Transit vehicle base	1 space for each 2,000 square feet
13	Universities ⁸	A number of spaces equal to 15 percent of the
14		maximum number of students present at peak
15		hour; plus 30 percent of the number of
16		employees present at peak hour; plus 1 space for
17		each 100 square feet of spectator assembly area
18		in outdoor spectator sports facilities
19	Utility service uses	1 space for each 2,000 square feet
20	Vehicle and vessel repair	1 space for each 2,000 square feet
21	Vocational or fine arts school	1 space for each 2 faculty plus full-time
22		employees; plus 1 space for each 5 students
23		(based on the maximum number of students in
24		attendance at any one time)
25	Warehouse	1 space for each 1,500 square feet
26	Wholesale showroom	1 space for each 1,500 square feet
27		
28		

Work-release centers 1 space for each 2 full-time staff members; plus
1 space for each 5 residents; plus 1 space for
each vehicle operated in connection with the
work-release center

¹ When permitted in single-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when permitted in multifamily zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122. The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and childcare centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

² Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one (1) parking space for every eight (8) fixed seats. Each twenty (20) inches of width of bleachers shall be counted as one (1) fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one (1) space for each three hundred fifty (350) square feet. If the gymnasium does not contain bleachers and is in a community center owned and operated by the Department of Parks and Recreation (DOPAR), the parking requirement shall be one (1) space for each five hundred fifty-five (555) square feet.

³ When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of fifteen (15) percent, pursuant to Section 23.54.020 I.

⁴ Parking spaces required for multifamily uses may be provided as tandem spaces according to subsection B of Section 23.54.020.

⁵ Bedroom—Any habitable room as defined by the Building Code that, in the determination of the Director, is capable of being used as a bedroom.

⁶ When specified in single-family zones, Section 23.44.015, the Director may waive some or all of the parking requirements.

⁷ For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new

1 construction. When an existing public school on an existing public school site is
2 remodeled, additional parking is required if any auditorium or other place of assembly is
3 expanded or additional fixed seats are added. Additional parking is required as shown
4 on Chart A for the increase in floor area or increase in number of seats only. If the
5 parking requirement for the increased area or seating is ten (10) percent or less than that
6 for the existing auditorium or other place of assembly, then no additional parking shall
7 be required.

8 ⁸ Development standards departure may be granted or required pursuant to the
9 procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted
10 number of parking spaces.

11 ⁹ A child care facility, when co-located with an assisted living facility, may count the
12 passenger load/unload space required for the assisted living facility toward its required
13 passenger load/unload spaces.

14 ¹¹ Required parking for spectator sports facilities or exhibition halls must be available
15 when the facility or exhibition hall is in use. A facility shall be considered to be "in use"
16 during the period beginning three (3) hours before an event is scheduled to begin and
17 ending one (1) hour after a scheduled event is expected to end. For sports events of
18 variable or uncertain duration, the expected event length shall be the average length of
19 the events of the same type for which the most recent data are available, provided it is
20 within the past five (5) years. During an inaugural season, or for nonrecurring events,
21 the best available good faith estimate of event duration will be used. A facility will not
22 be deemed to be "in use" by virtue of the fact that administrative or maintenance
23 personnel are present. The Director may reduce the required parking for any event when
24 projected attendance for a spectator sports facility is certified to be fifty (50) percent or
25 less of the facility's seating capacity, to an amount not less than that required for the
26 certified projected attendance, at the rate of one (1) space for each ten (10) fixed seats of
27 certified projected attendance. An application for reduction and the certification shall be
28 submitted to the Director at least fifteen (15) days prior to the event. When the event is
one of a series of similar events, such certification may be submitted for the entire series
fifteen (15) days prior to the first event in the series. If the Director finds that a
certification of projected attendance of fifty (50) percent or less of the seating capacity
is based on satisfactory evidence such as past attendance at similar events or advance
ticket sales, the Director shall, within fifteen (15) days of such submittal, notify the
facility operator that a reduced parking requirement has been approved, with any
conditions deemed appropriate by the Director to ensure adequacy of parking if
expected attendance should change. The parking requirement reduction may be applied
for only if the goals of the facility's Transportation Management Plan are otherwise
being met. The Director may revoke or modify a parking requirement reduction
approval during a series, if projected attendance is exceeded.

¹² For purposes of this section, Center City neighborhoods are the following urban villages: Uptown Queen Anne, South Lake Union, Capitol Hill, Pike/Pine, First Hill and 12th Avenue, as shown in the City of Seattle Comprehensive Plan.

¹³ These general requirements for multifamily uses are superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement under any provision below. To the extent that more than one of the provisions below applies to a multifamily use, the least of the applicable parking requirements applies. The different parking requirements for certain multifamily uses listed below shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this title.

¹⁴ Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily use or structure, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.

Section 8. Subsection B of Section 23.43.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 119238, is amended as follows:

23.54.035 Loading berth requirements and space standards.

B. Exception to Loading Requirements.

1. For uses with less than sixteen thousand (16,000) square feet of gross floor area which provide a loading space on a street or alley, the loading berth requirements may be waived by the Director following a review by the Seattle Transportation Department, which finds that the street or alley berth is adequate.

2. Within the South Lake Union Urban Village and when multiple buildings share a central loading facility, loading berth requirements may be waived or modified by the Director following a review by the Seattle Transportation Department, which finds that:

a. all loading is proposed to occur on-site; or

b. loading that is proposed to occur in a public right-of-way can take place without disrupting pedestrian circulation or vehicular traffic; and

c. once located at a central loading facility, goods can be distributed to other buildings on-site without disrupting pedestrian circulation or vehicular traffic.

Section 9. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.84.032 Definitions -- R.

"Research and development laboratory" means a ~~((commercial))~~ use in which research and experiments leading to the development of new products or intellectual property are conducted. This use may be conducted within the confines of an institutional, clinical or commercial enterprise.

Section 10. Section 23.86.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 112971, is amended as follows:

23.86.006 Structure Height.

A. Height Measurement Technique in All Zones Except Downtown Zones and Within the South Lake Union Urban Village.

1. The height shall be measured at the exterior walls of the structure.

Measurement shall be taken at each exterior wall from the existing or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.

2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plane as a lower portion, it must be set back from the lower portion a distance equal to two (2) times the difference between existing and finished grade on the lower portion of the wall (Exhibit 23.86.006 A1).

3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent (50%) of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grade on either side of the depression.

4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.

5. Underground portions of structures are not included in height calculations. The

height of structures shall be calculated from the point at which the sides meet the surface of the ground.

B. Within the South Lake Union Urban Village, structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement.

Existing or finished grade shall be established by drawing straight lines between the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a facade more than once, that contour line will be disregarded when establishing existing or finished grade.

Section 11. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2003, and signed by me in open session in authentication of its passage this ____ day of _____, 2003.

President _____ of the City Council

Approved by me this ____ day of _____, 2003.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003.

City Clerk

(Seal)